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- RIGHTS OF ALIENS: A STUDY IN TREATY MAKING. *Edwin Maxey*. An account of the discussions at a Latin-American conference, and conclusions based thereon. 16 Am. Lawyer 171.
- RIGHTS OF SECOND MORTGAGEES REGARDING POSSESSION. *R. M. P. Willoughby*. Suggesting the advisability of providing that the second mortgagee shall have right to take possession under certain circumstances. 24 L. Quar. Rev. 297.
- SALVAGE AWARDS. *A. R. Kennedy*. A statement of English law on the subject. 33 L. Mag. & Rev. 301.
- STRIKING OUT SHAM DEFENSES. *George I. Woolley*. Stating the law on the subject in New York. 13 Bench and Bar 57.
- TAXATION OF INHERITANCES, THE. *Joseph F. McCloy*. A consideration of the legislation recommended by President Roosevelt. 40 Chi. Leg. N. 347; 53 Oh. L. Bul. 159.
- VALIDITY OF A STATUTE PROVIDING THAT ACCEPTANCE FROM RELIEF ASSOCIATION SHALL BE NO BAR TO AN ACTION FOR DAMAGES. *F. A. Beecher*. 67 Cent. L. J. 143.
- WHEN IS A BANK THE *bona fide* OWNER OF A CHECK LEFT FOR DEPOSIT OR COLLECTION? *Albert S. Bolles*. 56 U. P. L. Rev. 375. See *supra*.

II. BOOK REVIEWS.

INTERNATIONAL LAW APPLIED TO THE RUSSO-JAPANESE WAR. By Sakuyé Takahashi. American Edition. New York: The Banks Law Publishing Company. 1908. pp. xviii, 805. 8vo.

Professor Takahashi was legal adviser to the commander-in-chief of the Japanese fleet during the Chino-Japanese war, and in 1899 prepared a book on the "Cases on International Law during the Chino-Japanese War." He was a member of the legal committee in the Department for Foreign Affairs during the Russo-Japanese war. This experience especially qualified him to set forth the Japanese view upon the international questions which arose in these wars. During the Chino-Japanese war the Japanese endeavored to observe scrupulously the rules of international law, as they were desirous of full recognition in the family of nations, and anxious at that critical period to show the justice of their claim to such recognition. The Russo-Japanese war coming between the First Hague Conference of 1899 and the Second Hague Conference of 1907 furnished illustrations of the application of the rules of the Conference of 1899, and problems for the consideration of the Conference of 1907. Professor Takahashi's book referring to the conventions of both Conferences shows the rapid development of international law within this brief period.

Many matters which were unsettled at the time of the Chino-Japanese war in 1894 were settled by the Hague Conventions of 1899, and many matters still unsettled at the time of the Russo-Japanese war of 1904 were determined by the Hague Conventions of 1907. An example of this is fully set forth in Part I, "The Outbreak of War, and its Effects." The Russo-Japanese war had begun without a declaration, as had many other wars within the last two hundred years. The Russo-Japanese incident led to much discussion. The Second Hague Conference provided for declaration before the opening of hostilities. Other matters emphasized as unsettled at the outbreak of the Russo-Japanese war, such as the granting of days of grace to enemy merchant vessels at the outbreak of hostilities, and the treatment of belligerent vessels in neutral ports, received attention at The Hague in 1907.

Part II deals with "Laws and Customs of Land Warfare." This section of the book is of the nature of a description of the conduct of the Russo-Japanese hostilities on land as illustrative of the modern development of international law. Part II may profitably be read with Professor Ariga's "La Guerre Russo-Japonaise au point de vue continental et le droit international," issued in 1908.

Parts III, IV, and V, constituting about 500 of the 800 pages of Professor Takahashi's book, are most valuable contributions to the data of international law. Part III deals with "Laws of Naval Warfare." Part IV deals with

"Neutrality." Part V is devoted to "New Cases on Prize Law added by the Decisions of the Japanese Prize Courts." In these divisions of the book many of the unsettled questions of the law of war on the sea are considered. Many documents ordinarily inaccessible or difficult of access are gathered by Professor Takahashi. In the chapter on "Destruction of Merchantmen" it is distinctly recognized that the Japanese regulations of 1904 allowed greater freedom in the destruction of merchant vessels than did those of 1894. Neither the Japanese nor Russian rules of 1904 make any distinction between the destruction of enemy and of neutral vessels. The destruction of neutral merchant vessels by Russian war vessels caused much discussion and led to vigorous diplomatic protests. In the regulations of 1894 Japan followed the British regulations restricting the destruction of neutral merchant vessels. It seems unfortunate that a less liberal position should have been taken in 1904, particularly as Professor Takahashi and others have found so much to criticise in the conduct of the Russian war vessels under regulations somewhat similar to the Japanese.

Chapter V of Part III gives a very comprehensive account of a new and important subject in international relations, — the treatment of newspaper correspondents in time of war. Professor Takahashi agrees with the conclusion that in the future newspaper correspondents should be entirely subject to military control, and if expedient may be excluded from the area of military operations, since the diffusion of news must be secondary to the attainment of the military object of the war.

The full discussion of the subject of internment of belligerent war vessels and their crews in neutral ports given in Chapters I, II, and III of Part IV shows how rapidly new problems have developed new practices in international relations, and how a principle scarcely thought of a few years ago has been generally accepted.

The questions in regard to contraband also gave rise to much discussion, as shown in Chapter IV. The Japanese categories of absolute and conditional contraband followed the American and British precedent. The Russian category, making a single list of articles regarded as contraband, followed the European continental precedent. The discussions upon contraband since the Russo-Japanese war and stimulated in part by it have shown the widest diversity of opinion. Great Britain went so far in the instructions to her delegates to the Second Hague Conference as to advocate the abolition of contraband altogether, while some states on the other hand would make the list more inclusive.

Part V contains the Japanese prize court regulations and the organization of the prize courts and the decisions upon cases which arose during the war. In the decisions the tendency to follow precedent is naturally less marked than in English and American decisions. The reference to general principles is more common, and the final conclusions are often in the nature of dicta.

The appendices contain material relating to the war, such as regulations governing captures at sea, the treaty of peace, etc., which add to the value of the book for convenient reference.

A book containing so much material is worthy of a much fuller index than that which appears on pages 801-805, and which is not always accurate, *e.g.* reference to *Arugun* (misspelled) as page 625 should be page 573. Occasional infelicities in expression and a pro-Japanese point of view are to be expected. This book upon the international law of the Russo-Japanese War, together with Professor Takahashi's "Cases on International Law during the Chino-Japanese War," and Professor Ariga's "La Guerre Sino-Japonaise au point de vue de droit international," and "La Guerre Russo-Japonaise au point de vue continental et le droit international," furnishes a most valuable collection of material as a basis of judgment upon the course of development of international law in the Far East. Professor Takahashi has in the preparation of this new volume placed all students of international law under obligation, particularly because he has furnished to them a large amount of documentary material rather than a mere presentation of his personal opinions upon the international law as applied during the Russo-Japanese war.

G. G. W.